



POLICE DEPARTMENT

November 12, 2019

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In the Matter of the Charges and Specifications	:	Case No.
- against -	:	
Police Officer Rehan Usmani	:	2018-18877
Tax Registry No. 943904	:	
Patrol Borough Staten Island	:	

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At: Police Headquarters  
One Police Plaza  
New York, NY 10038

Before: Honorable Nancy R. Ryan  
Assistant Deputy Commissioner Trials

APPEARANCES:

For the Department: Samuel Yee, Esq.  
Department Advocate's Office  
One Police Plaza  
New York, NY 10038

For the Respondent: John Tynan, Esq.  
Worth, Longworth & London, LLP  
111 John Street, Suite 640  
New York, NY 10038

To:

HONORABLE JAMES P. O'NEILL  
POLICE COMMISSIONER  
ONE POLICE PLAZA  
NEW YORK, NEW YORK 10038

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## CHARGES AND SPECIFICATIONS

1. Said Police Officer Rehan Usmani, assigned to Patrol Borough Staten Island, on or about and between December 1, 2015 and January 31, 2019, wrongfully failed to reside within the City of New York or the surrounding Counties, as required by the Department, to wit: said Police Officer resided in [REDACTED]

P.G. 203-18, Page 1, Paragraph 1

RESIDENCE REQUIREMENTS  
GENERAL REGULATIONS

2. Said Police Officer Rehan Usmani, assigned to Patrol Borough Staten Island, on or about April 26, 2018, wrongfully made or caused inaccurate entries in Department records in that said Police Officer Rehan Usmani inaccurately represented that he had changed his residence to a new address [REDACTED] when in fact he had moved to or had been living in [REDACTED]

P.G. 203-05, Page 1, Paragraph 4

PERFORMANCE ON DUTY - GENERAL  
GENERAL REGULATIONS

## REPORT AND RECOMMENDATION

The above-named member of the Department appeared before me on October 10, 2019. Respondent, through his counsel, entered a plea of Guilty to the subject charges and testified in mitigation of the penalty. A stenographic transcript of the trial record has been prepared and is available for the Police Commissioner's review. Having reviewed all of the evidence in this matter, and as Respondent has pleaded Guilty, I find Respondent Guilty and recommend a penalty of the loss of thirty vacation days and the imposition of one year dismissal probation.

## SUMMARY OF EVIDENCE IN MITIGATION

Respondent testified regarding the reasons he lived in [REDACTED] for the period of time from approximately December 1, 2015 to January 31, 2019. Respondent joined the Department in 2007 and was married in 2008. He and his wife initially lived in [REDACTED]. His wife, who was originally from [REDACTED] where all of her relatives still lived, became unhappy about living in [REDACTED] (Tr. 6-7). After the birth of their [REDACTED] child [REDACTED], Respondent's marriage began to deteriorate. (Tr. 9) [REDACTED]

[REDACTED]. (Tr. 9-10) Respondent's wife told

him if he wanted to make the marriage work, he needed to move to [REDACTED] with her. He did then move to [REDACTED] and paid for a residence there. For approximately two and a half years while he was living in [REDACTED] he used a friend's New York City address as his official address with the Department. (Tr. 11-12) While still living in [REDACTED] Respondent, approximately in March or April of 2018, filed what he admitted was a false change of address document with the Department in which he listed his brother's [REDACTED] address as his own address. [REDACTED]  
[REDACTED]

Respondent testified that during the time he lived in [REDACTED] he had to deal with other family issues. [REDACTED]  
[REDACTED]  
[REDACTED]

(Tr. 13-14)

In December, 2018, Respondent began proceedings to dissolve his marriage and he moved back to [REDACTED] where he currently lives. He was officially divorced this month.

(Tr. 14)

On cross-examination, Respondent acknowledged that prior to 2015, he was aware of the Department's residence requirements. He further admitted that while he was living in [REDACTED] [REDACTED] he used a P.O. box for his mail to hide the fact he was living there. (Tr. 18, 20)

Respondent testified that his brother has been charged by the Department for allowing Respondent to falsely use his address and that he agreed to forfeit 20 vacation days based on the incident. (Tr. 20-21) Respondent also testified that to further hide the fact that he was residing in [REDACTED] he would have his partner, Police Officer Yukfung Ng, pick him up at a location a

distance from the precinct where Respondent would park the [REDACTED] with [REDACTED] license plates that he was driving. After the partner found out Respondent was living [REDACTED] he refused to pick Respondent up any more. (Tr. 21-22)

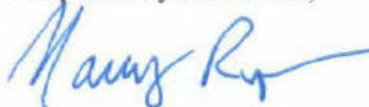
### PENALTY

In order to determine an appropriate penalty, Respondent's service record was examined. See Matter of Pell v. Board of Educ., 34 N.Y.2d 222, 240 (1974). Respondent was appointed to the Department on January 10, 2007.

Respondent's counsel has asked that the penalty to be imposed in this case be no more than the loss of 25 vacation days. Recent similar cases have imposed penalties of the loss of 30 vacation days and a year of dismissal probation. (See Disciplinary Case Nos. 2017-17717 & 2017-17718, signed February 1, 2018 - Six year officer with no disciplinary record forfeited 30 vacation days after a mitigation hearing and was placed one year dismissal probation for (i) residing in New Jersey, outside the approved residence counties for over two years, (ii) reporting to the Department that he resided in Yonkers, New York, which was false and (iii) registering his vehicle in New York while residing in New Jersey. See also Disciplinary Case No. 2017-17668, signed June 13, 2019 - Fourteen-year sergeant with no disciplinary record negotiated a penalty of 30 vacation days and was placed on one-year dismissal probation for (i) living in New Jersey for a period of two-and-a-half years and (ii) failing to provide the operations coordinator with his physical home address. See also Disciplinary Case No. 2016-15094, signed July 18, 2018 - Seventeen-year sergeant, with one prior adjudication, negotiated a penalty of the forfeiture of 30 vacation days and one-year dismissal probation for: (i) failing to make the proper notifications regarding an order of protection he requested against his former wife; and, (ii) failing to comply with the Department's residency requirements in that he resided in New Jersey.)

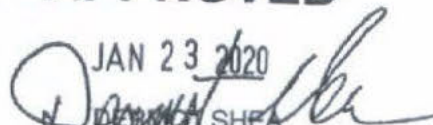
While Respondent in the current case has argued that his family situation merits mitigation of the standard penalty, the court finds that there are significant aggravating factors in this false residency case which must be considered. The violation of the residency requirement went on for approximately three years. It is disturbing that Respondent involved two other officers in his deceptions. One of them, his brother, received charges based on the incident and agreed to forfeit 20 vacation days. Respondent also provided false addresses to the Department on two different occasions. He went to the extra measures of securing a P.O. box to continue his deceptions and of involving his unwitting partner in his scheme of parking his car with [REDACTED] plates at a distance from his stationhouse to avoid detection. Based on the totality of the evidence, I find no reason to deviate from the standard penalty imposed in cases similar to Respondent's case and therefore recommend a penalty of the loss of 30 vacation days and that Respondent be *DISMISSED* from the New York City Police Department, but that his dismissal be held in abeyance for a period of one year, pursuant to Administrative Code § 14-115 (d), during which time he is to remain on the force at the Police Commissioner's discretion and may be terminated at any time without further proceedings.

Respectfully submitted,



Nancy R. Ryan  
Assistant Deputy Commissioner Trials

**APPROVED**

JAN 23 2020  
  
DANIEL J. SHEA  
POLICE COMMISSIONER





POLICE DEPARTMENT CITY OF NEW YORK

From: Assistant Deputy Commissioner – Trials  
To: Police Commissioner  
Subject: CONFIDENTIAL MEMORANDUM  
POLICE OFFICER REHAN USMANI  
TAX REGISTRY NO. 943904  
DISCIPLINARY CASE NO. 2018-18877

Respondent was appointed to the Department on January 10, 2007. On his last three annual performance evaluations, he received 3.5 overall ratings of "Highly Competent/Competent" for 2015 and 2016 and a 3.0 overall rating of "Competent" for 2014. He has received one medal for Excellent Police Duty.

[REDACTED]

Respondent has no formal disciplinary history. On August 6, 2019, Respondent was placed on Level 1 Discipline Monitoring for receiving charges and specifications in the instant matter. Monitoring remains ongoing.

For your consideration.

Nancy R. Ryan  
Assistant Deputy Commissioner Trials